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**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)  
82154(303989)

In re Application of: Heike Gielen-Haertwig et al.

Application No.: 10/590,786-Conf. #1365

Filed: July 20, 2007

For: HETEROCYCLIC DERIVATIVES

The record owner\*, BAYER HEALTHCARE AG, of 100  
percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of  
any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any  
patent granted on pending reference Application Number 10/527,391, filed on October 21, 2005  
as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may  
be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner  
hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it  
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would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said  
reference application, "as the term of any patent granted on said reference application may be shortened by any terminal  
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on  
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statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United  
States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 31,018

William F. Gray  
Signature

11 June 2009  
Date

William F. Gray  
Typed or printed name

(914) 333-6914  
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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